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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,062	07/06/2007	Philip James Ions	02372.0098	6469
22852	7590	02/19/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CHAPMAN, JEANETTE E	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 02/19/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,062

Applicant(s)

IONS, PHILIP JAMES

Examiner

Jeanette E. Chapman

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-37, 44, 48, 57 and 61-64 is/are rejected.
- 7) ☒ Claim(s) 38-43, 47, 49-56 and 58-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/15/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33-37, 44-46, 48, 57,61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottlieb et al in view of Kretschmer (6474487), Morgenhaler et al (5,222,448) and Corkey (3700117)

Claim 33.

Gottlieb discloses a method of building a direct housing unit comprising:

locating a ring track but not a ringer crane as shown by Kretschmer on a site such that a lifting boom of the ringer crane can or is capable of sweeping a ground area about the ringer track;

Morgenhaler discloses an installed metal smelting vessel and ancillary plant components within said a ground area such as that by lifting with the crane, the vessel and ancillary plant components are either prefabricated whole units or in prefabricated pieces into locations within the swept ground area as Gottlieb discloses prefabricated housing units in the prepared ground area; Gottlieb also discloses an elongate corridor of vacant ground extending through the swept area to the ring track;

lowering the boom down into the corridor; see figures 2-3 and

Corkey discloses dismantling and removing the crane and Gottlieb discloses leaving at least part of the corridor available for vehicular access to the housing

It would have been obvious to one of ordinary skill in the art to install a smelting plant instead of housing units using a ringer crane for quick and convenient wet up of the plant as you would housing units as shown by the secondary references

Claim 34.

Gottlieb discloses a method as claimed in claim 33, wherein a major part of the corridor 50 is left available for vehicular access to the smelting vessel and at least some of said auxiliary components.

claim 35.

Kreschmer discloses a method as claimed in claim 33, wherein the ring track of the ringer crane is a circular track and is spanned by a crane carriage extending diametrically across the track and rotatable about a central vertical axis. See figure 7 and accompanying text.

claim 36.)

Kretschmer discloses a method as claimed in claim 35, wherein the boom 22 of the crane is in use attached to the carriage 1/2 at one side of the carriage generally above the track 4, 5 and the crane counterweight 12 or counterweights are supported on the carriage generally over the track at or toward an opposite side of the carriage.

claim 37.

Morgenhaler et al discloses a method as claimed in claim 33, wherein the major plant components comprise any one or more of vessel input gas heaters and ducting, vessel input solids feed apparatus, off gas ducting and treatment apparatus, and molten metal and slag tapping

and handling apparatus. See figures 1-3.

claim 44.

Gottlieb discloses a method of building a direct housing unit comprising:

locating a ring track but not a ringer crane as shown by Kretschmer on a site such that a lifting boom of the ringer crane can or is capable of sweeping a ground area about the ringer track;

Kretschmer discloses forming a load bearing base 3 for the heavy lift crane on the site of the building;

Kretschmer discloses locating the heavy lift crane on the load bearing base 3 and discloses the assembled lifting boom to the carriage of the crane so as to enable the boom to sweep a ground area as shown in figure 7 about the carriage to thereby provide a swept ground area;

Morgenhaler discloses an installed metal smelting vessel and ancillary plant components within said a ground area such as that by lifting with the crane, the vessel and ancillary plant components are either prefabricated whole units or in prefabricated pieces into locations within the swept ground area as Gottlieb discloses prefabricated housing units in the prepared ground area; Gottlieb also discloses an elongate corridor of vacant ground extending through the swept area to the ring track;

lowering the boom down into the corridor; see figures 2-3 and

Corkey discloses dismantling and removing the crane and Gottlieb discloses leaving at least part of the corridor available for vehicular access to the housing

Gottlieb also discloses making available a part of the corridor 50 for vehicular access to the housing.

It would have been obvious to one of ordinary skill in the art to install a smelting plant instead of

housing units using a ringer crane for quick and convenient wet up of the plant as you would housing units as shown by the secondary references
claim 45.

Gottlieb discloses a method as claimed in claim 44, wherein installation of additional prefab housing units subsequent to removal of said crane from said site is such as to provide that a major part of the corridor 50 is left available for vehicular access to units once said plant is operational.

claim 46.

A method as claimed in claim 44, further comprising selecting

Morgenhaler discloses ancillary equipment and/or components instlled within at least a portion of an area,

said selection such that the ancillary equipment and/or components have a maximum elevation that is restricted; Gottlieb discloses the lifting boom of the heavy lift crane can lift said prefabricated whole units or said prefabricated pieces over said ancillary equipment located within said at least a portion of said ground area; and Gottlieb discloses the installation of auxiliary units within said at least a portion of said swept ground area.

claim 48. (New)

Gottlieb discloses a method as claimed in claim 46, wherein said at least a portion of said prepared ground area comprises one elongate boundaries of said corridor 50.

claim 57.

Gottlieb discloses a method as claimed in claim 44, wherein foundations 12 for at least one of the units are put in place prior to placing the heavy lift crane onto the load bearing base. See figures 2-3 and accompanying text

claim 61. (New)

Ketschmer discloses a method as claimed in claim 44, wherein the heavy lift crane is a ringer crane having a ring track 4,5 located on the load bearing base 2/3.

claim 62. (New)

Kretschmer discloses a method as claimed in claim 44, wherein the crane is assembled initially by laying the boom 22 out along the ground which may form the corridor beneath and then erecting the boom to extend upwardly from the ring track 4,5. See figures 2-4

claim 63. (New)

Kretschmer discloses a method as claimed in claim 62, wherein following assembly of the crane the vessel and major plant components are transported to the ground area and lifted from that area by the crane into said locations. See figures 2-4

claim 64.

it is obvious function to remove a vehicle/ machine from an area, the crane carriage is removed by moving along the corridor or road/ground.

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Claims 38-43, 47, 49, 50-56, 58-60 are objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claims

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3633